

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

Claim amendments/Status

In this response, claim 1 has been amended in a manner which overcomes the rejections under 35 USC § 112, second paragraph. That is to say, in this response, claim 1 has been amended in a manner that positively recites the wet-dry spinning process in accordance with the Examiner's suggestion and thus is submitted as overcoming this rejection. Claim 1 has been further amended to specify that the titre of the fibre amounts to 6 dtex to 15 dtex. The threshold of 15 dtex is disclosed on page 2 of the originally filed specification in the last but two paragraphs. In addition, the term "*wall linings and/or decoration materials*" has been deleted from claim 1 to improve syntax and form.

Claims 1-4, 6-8 and 10 remain pending in the application.

Rejections under 35 USC § 103

1) The rejection of claims 1-4, 6-8 and 10 under 35 USC §103(a) as being unpatentable over LUO et al. is respectfully traversed.

As noted above, claim 1 has been amended in a manner that positively recites the wet-dry spinning process in accordance with the Examiner's suggestion and thus is submitted as overcoming the LUO et al. reference.

2) The rejection of claims 1-4, 6-8 and 10 under 35 USC § 102(b) or in the alternative under 35 USC § 103(a) as being unpatentable over McCORSLEY, is respectfully traversed.

It is submitted that the claims as amended above, distinguish them over the prior art. That is to say, while McCORSLEY discloses a "dry-wet spinning process", McCORSLEY does not teach the rest of the features of claim 1 as amended above.

First, applicant has analyzed the data disclosed in McCORSLEY (table VI) regarding tenacities and elongations at break of the fibers taught therein. The tenacity

value (gpd) given in McCORSLEY was converted into the unit used in claim 1 (cN/tex), and the ratio V as defined in claim 1 was calculated. The results are summarized in the following table:

| Example | Titer (den) | Tenacity (gpd) | Elongation at break % | Titre (dtex) | Tenacity (cN/tex) | <b>Ratio V</b><br>(Tenacity/<br>Elongation) |
|---------|-------------|----------------|-----------------------|--------------|-------------------|---|
| A       | 5,3         | 3,2            | 7,1                   | 5,9          | 28,8              | 4,1   |
| B       | 5,6         | 3,2            | 7,5                   | 6,2          | 28,8              | 3,8   |
| C       | 7,3         | 2,7            | 6,5                   | 8,1          | 24,3              | 3,7   |
| D       | 11,0        | 2,4            | 6,8                   | 12,2         | 21,6              | 3,2   |
| E       | 14,1        | 2,4            | 8,5                   | <b>15,7</b>  | 21,6              | 2,5   |
| F       | 17,6        | 1,8            | 10,0                  | 19,6         | 16,2              | 1,6   |
| G       | 33,3        | 1,2            | 13,0                  | 37,0         | 10,8              | 0,8   |
| H       | 48,7        | 0,9            | 17,3                  | 54,1         | 8,1               | 0,5   |

As one can see, up to a titre of 15.7 dtex, the fibers taught in McCORSLEY exhibit a ratio V of more than 2.2 whereas claim 1 as amended above, requires a ratio of 2.2 or less for fibers with a titre of 6 to 15 dtex. Without wishing to be bound by any theory, it is believed that the difference in the tenacity and elongation behavior of the dry-wet spun fibers of McCORSLEY as compared with dry-wet spun fibers as defined in claim 1 and, e.g., taught in the example section of the present application, resides in different spinneret hole sizes and differences in the draft ratios applied to the spun filaments.

Therefore, McCORSLEY does not disclose the use of fibers with a titre of 6 to 15 dtex exhibiting a ratio V of 2.2 or less. Furthermore, McCORSLEY in no way proposes to use the fibers disclosed therein in carpets and textile flooring materials.

McCORSLEY only very generally refers to the use of the fibers in various fields (column 12, lines 15 to 28), but does not specifically refer to carpets and textile flooring materials. As immediately apparent to the reader of ordinary skill, the requirements to carpets and textile flooring materials are quite different to other textile materials, such as clothing and fabrics. Carpets and textile flooring need to resist considerable mechanical

forces exerted on them by walking, standing or the like.

Surprisingly, it has been shown that the Lyocell fibers as defined by claim 1 as proposed to be amended above have a high flexural stiffness which render them very suitable for this specific kind of application. McCORSLEY is silent about the flexural stiffness of the fiber and, thus, provides no hint for the reader of ordinary skill as to use the fibers taught therein for the specific application of carpets and textile flooring.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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